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Social and human rights questions: human rights

Programme budget implications of resolutions and decisions contained in the report of the Commission on Human Rights at its fifty-ninth session

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

I. INTRODUCTION

1. At its fifty-ninth session, the Commission on Human Rights adopted a number of resolutions and decisions entailing programme budget implications. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission was informed through oral statements of these programme budget implications.

2. Taking into account that the full costs of some activities envisaged could not be determined at the time of the adoption of the related resolutions, the Commission was informed that the outcome of the review of the costs by the Secretariat, including any additional requirements, would be brought to the attention of the Economic and Social Council when it considers the report of the Commission.

3. The statements of programme budget implications hereunder reflect the outcome of the review made by the Secretariat and are submitted for the consideration of the Council.

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II. RESOLUTION 2003/18 ON THE QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

4. Under paragraph 13 of the resolution, the Commission would request the Working Group endorsed by Economic and Social Council decision 2002/254 of 25 July 2002 to meet for a period of 10 working days, prior to the sixtieth session of the Commission, with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, in the light, inter alia, of the report of the Committee on Economic, Social and Cultural Rights to the Commission concerning the draft optional protocol (E/CN.4/1997/105, annex), comments and views submitted by States, intergovernmental organizations, including the specialized agencies of the United Nations and non-governmental organizations, and the reports of the independent expert on the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2002/57 and E/CN.4/2003/53 and Corr. 1 and 2).

5. The conference servicing requirements entailed by paragraph 13 total $342,200 in 2003 as follows: (a) $337,800 under section 2, General Assembly affairs and conference services, and (b) $4,400 under section 29E, Administration, Geneva. No provisions have been made in the programme budget for the biennium 2002-2003 for these requirements.

6. The review carried out by the Secretariat has concluded that it will not be possible to absorb the additional requirements of $337,800 under section 2, General Assembly affairs and conference services, without an additional appropriation (see paragraphs 34 to 41 below regarding the proposed procedure).

III. RESOLUTION 2003/32 ON TORTURE AND OTHER CRUEL INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

7. Under paragraphs 39 and 40, the Commission would:

(a) Call upon the Board of Trustees of the Voluntary Fund for Victims of Torture to report to the Commission at its sixtieth session and request an independent evaluation, in accordance with United Nations rules, and regulations, of the functioning of the Fund, including in particular the lessons and best practices learned from the Fund's activities, with a view to further enhancing its effectiveness; the independent evaluation should be initiated before the next session of the Commission using extrabudgetary funding;

(b) Request the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities, for the bodies and mechanisms involved in combating torture and assisting victims of torture, in order to ensure their effective performance commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.

8. In connection with the request contained in paragraph 39 of the resolution, it is recalled that, as stipulated in regulation 7.3 of the Regulations Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (PPBME Rules), only the General Assembly may invite such bodies as it sees fit, including the Joint Inspection Unit, to perform ad hoc external evaluations and to report on them. As regards the wording of paragraph 39, should the Council endorse the need for an independent evaluation, it is recommended that the Council replace the word "requests" with "recommends that the Economic and Social Council request the General Assembly to request an independent evaluation …".

9. The attention of the Commission was drawn to the provisions of General Assembly resolution 45/248 B, section VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

IV. RESOLUTION 2003/34 ON THE RIGHT TO RESTITUTION, COMPENSATION AND REHABILITATION FOR VICTIMS OF GRAVE VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

10. Under paragraphs 4 and 5 of the draft resolution, the Commission would:

(a) Request the Chairperson-Rapporteur of the consultative meeting, in consultation with the independent experts, Mr. Theo van Boven and Mr. Cherif Bassiouni, to prepare a revised version of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law";

(b) Request the United Nations High Commissioner for Human Rights to hold, with the cooperation of interested Governments, a second consultative meeting for all interested Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" and if appropriate, to consider options for the adoption of these principles and guidelines.

11. With respect to the inclusion of the phrase "using available resources", the attention of the Commission was drawn to the provisions of resolution 45/248 B, section VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

12. The full cost of conference servicing for the holding of the second consultative meeting would amount to $157,300 under section 2, General Assembly affairs and conference services and $900 under section 27E, Administration, Geneva during the biennium 2002-2003. No provisions have been made in the programme budget for the biennium 2002-2003 for those requirements.

13. The review carried out by the Secretariat has concluded that it will not be possible to absorb the additional requirements under section 2, General Assembly affairs and conference services, without an additional appropriation (see paragraphs 34 to 41 below regarding the procedure proposed to be followed).

V. RESOLUTION 2003/57 ON THE WORKING GROUP OF THE COMMISSION ON HUMAN RIGHTS TO ELABORATE A DRAFT DECLARATION IN ACCORDANCE WITH PARAGRAPH 5 OF GENERAL ASSEMBLY RESOLUTION 49/214 OF 23 DECEMBER 1994

14. Under operative paragraphs 4, 5 and 6 of the draft resolution, the Commission would:

(a) Recommend that the Working Group meet for 10 working days prior to the sixtieth session of the Commission, the cost of the meeting to be met from within existing resources;

(b) Invites the Chairperson-Rapporteur of the Working Group to undertake inquiries with the Office of the United Nations High Commissioner for Human Rights to determine the possibility of convening additional meetings of the Working Group, within existing resources, with a view to facilitating progress in drafting a declaration on the rights of indigenous people;

(c) Encourage all interested States to participate in an informal intersessional meeting to consider the clusters of articles noted in paragraph 78 of the report of the Working Group (E/CN.4/2003/92).

15. In connection with the use of the phrase "within existing resources", in paragraph 4, the attention of the Commission was drawn to the provisions of resolution 45/248 B, section VI, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

16. The full cost of the activities envisaged under paragraphs 5 and 6 would amount to $30,100 for interpretation costs under section 2, General Assembly affairs and conference services, $7,600 under section 24, Human rights, and $1,100 under section 27E, Administration, Geneva, in 2003. No provisions have been made in the programme budget for the biennium 2002-2003 for these requirements.

17. The review carried out by the Secretariat has concluded that these requirements could be absorbed within existing resources.

VI. RESOLUTION 2003/77 ON THE SITUATION OF HUMAN RIGHTS IN AFGHANISTAN

18. Under paragraphs 15 (b) and 17 and of the draft resolution, the Commission would:

(a) Request the Secretary-General to appoint an independent expert for the period of one year to develop, in strict collaboration with the Afghan Transitional Authority, including the Afghan Independent Human Rights Commission, as well as with the Office of the High Commissioner and the United Nations Assistance Mission, a programme of advisory services to ensure the full respect and protection of human rights and the promotion of the rule of law and to seek and receive information about and report on the human rights situation in Afghanistan in an effort to prevent human rights violations;

(b) Invite the independent expert to provide a report on the situation of human rights in Afghanistan and on the achievements of the technical assistance programmes in the field of human rights to the General Assembly and the Commission on Human Rights.

19. The full cost of the activities (travel and subsistence) envisaged under paragraphs 15 (b) and 17 of the draft resolution, if adopted, would amount to $48,400 under section 22, Human rights.

20. Upon further review, the Secretariat has determined that this activity falls under the category of activities considered to be of perennial nature. Provisions for activities of this nature have already been included in the programme budget for the biennium 2002-2003 and hence no additional appropriation would be required as a result of the adoption of the draft resolution.

VII. RESOLUTION 2003/83 ON THE RIGHT TO DEVELOPMENT

21. Under the terms of paragraph 5 of the resolution, the Commission would request the United Nations High Commissioner for Human Rights to convene a two-day high-level seminar immediately prior to the next session of the Working Group, and within the 10-working days of the Working Group's operations, inviting all the relevant actors from the human rights, trade, financial and development fields to review and identify effective strategies for mainstreaming the right to development in the policies and operational activities of the major international organizations/institutions, and as a contribution to the work of the Sub-Commission on the Promotion and Protection of Human Rights on the proposed concept document.

22. The full cost of the two-day high level seminar would amount to (a) $63,000 for documentation under section 2, General Assembly affairs and conference services, on the assumption that the seminar would be held during the Working Group session in 2004, and (b) $63,200 under section 24, Human rights, for the preparation by consultants of six specialized papers during the biennium 2004-2005.

23. The review carried out by the Secretariat has concluded that the estimate of resource requirements for documentation could be absorbed from within the resources included under section 2, General Assembly affairs and conference services, of the proposed programme budget for the biennium 2004-2005.

24. With regard to the resource requirement for consultancies, it is anticipated that the amount of $63,200 could be accommodated within the provision of $206,600 for specialized expertise in the area of the right to development and for activities mandated by the Economic and Social Council, which is proposed by the Secretary-General under section 24, Human rights, for the biennium 2004-2005. On the assumption that the General Assembly would approve that provision when it considers the proposed programme budget for that biennium, no additional appropriation would be required under section 24.

VIII. DECISION 2003/107 ON THE SOCIAL FORUM

25. Under the terms of the draft decision, the Commission would recommend to the Economic and Social Council that it authorize the Sub-Commission on the Promotion and Protection of Human Rights to hold in Geneva an annual intersessional forum on economic, social and cultural rights, to be known as the "Social Forum", for two days on dates that would permit the possible participation of 10 members of the Sub-Commission, to be appointed by the regional groups of the Sub-Commission.

26. The cost of the activities envisaged under the draft decision, would consist of (a) $67,600 for the travel and subsistence for 10 members of the Sub-Commission under section 22, Human rights, and (b) $96,400 for conference servicing costs ($95,500 under section 2, General Assembly affairs and conference services, and $900 under section 27E, Administration, Geneva).

27. On the assumption that the Social Forum would be held on 11 and 12 August 2003 during the fifty-fifth session of the Sub-Commission, all the requirements mentioned above could be met within existing resources.

28. The Secretariat has, however, concluded that it would not be possible to finalize the preparatory work for the Social Forum by 11 August 2003. Also, no other dates are available for holding the forum within existing resources. Under these conditions, the requirements for holding the Forum would have to be met through an additional appropriation (see paragraphs 34 to 41 below regarding the proposed procedure).

29. Furthermore, were the Social Forum to be approved as an annual meeting, and should the annual meetings not be held during the sessions of the Sub-Commission, additional requirements would arise starting with the biennium 2004-2005, as follows: (a) $135,200 under section 24, Human rights, (b) $1,800 under section 27E, Administration, Geneva, and (c) $191,000 under section 2, General Assembly affairs and conference services. The requirement of $1,800 under Section 27E, Administration, Geneva could be met from within the resources proposed for the biennium 2004-2005; the remaining requirements would have to be met through the use of the Contingency Fund for the biennium 2004-2005, to be approved by the General Assembly at its fifty-eighth session.

IX. DECISION 2003/114 ON THE ORGANIZATION OF WORK OF THE SIXTIETH SESSION OF THE COMMISSION ON HUMAN RIGHTS

30. Under the terms of the decision, the Commission would recommend to the Economic and Social Council that it authorize eight fully serviced additional meetings or four additional days, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's sixtieth session.

31. The full cost of the activities envisaged under this draft decision would amount to $201,100 in 2004, broken down as follows: (a) $193,800 under section 2, General Assembly affairs and conference services, and (b) $7,300 under section 29E, Administration, Geneva. No provisions have been included under the proposed programme budget for the biennium 2004-2005 for this additional conference servicing.

32. The review carried out recently by the Secretariat has concluded that it will not be possible to absorb the additional requirements under section 2, General Assembly affairs and conference services, without an additional appropriation (see paragraphs 34 to 41 below regarding the proposed procedure).

X. OVERALL REQUIREMENTS

33. The implications of resolutions and decisions adopted by the Commission on Human Rights at its fifty-ninth session would give rise to expenditures of $1,702,100, of which $591,500 can be absorbed, leaving a requirement for appropriation, as shown in the table below (see annex II for details).

	2002-2003	2004-2005
Section 2, General Assembly affairs and conference services	590 600	384 800
Section 22 (Section 24 for the 2004-2005 biennium), Human rights		135 200
Total	**590 600**	**520 000**

XI. CONTINGENCY FUND

34. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under the procedure set out in paragraph 9 of annex I to resolution 41/213, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned could be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred until a later biennium.

35. The table in paragraph 33 above shows that a net additional provision of $590,600 would be required over and above the resources in the programme budget for the biennium 2002-2003. It should be noted, however, that, as stated in section VII of General Assembly resolution 57/292

of 20 December 2002, a balance of only $31,200 remains in the contingency fund for the biennium 2002-2003. As regards the contingency fund for the biennium 2004-2005, the General Assembly will determine its size when it approves the appropriation for the biennium 2004-2005.

36. Under the procedures for the operation of the contingency fund outlined in resolution 42/211 (annex, section c), each statement of programme budget implications should contain a precise indication of how the alternatives would be applied as regards either redeployment of resources from low priority areas or modification of existing activities or deferral to a later biennium. It is not possible to identify activities within sections 2 and 22 of the programme budget for the biennium 2002-2003 and sections 2 and 24 of the programme budget for the biennium 2004-2005 that could be terminated, deferred, curtailed or modified during the biennium.

XII. RECOMMENDATIONS

A. Requirements for activities to be carried out in 2003

37. Paragraph 9 of annex I of General Assembly resolution 41/213 states that if additional expenditures are proposed that exceed resources available within the contingency fund, such additional expenditures can only be included in the budget through redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred until a later biennium.

38. Taking into account that only $31,200 remains in the contingency fund for the biennium 2002-2003, the Economic and Social Council may wish to:

(a) Invite the Commission on Human Rights to review its decision 2003/114 on the organization of work of the sixtieth session of the Commission on Human Rights, with a view to ensuring that additional meetings of the Commission on Human Rights are not required in connection with its sixtieth session;

(b) Defer the following meetings to 2004:

(i) The open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

(ii) The second consultative meeting with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law";

(iii) The Social Forum.

39. The requirements for these meetings in 2004 would then be met from the contingency fund for the biennium 2004-2005.

B. Requirements for activities to be carried out in 2004-2005

40. Subject to the decision that the Council may take regarding the recommendations in paragraph 38 above, the requirement for the biennium 2004-2005 would be as follows and summarized in annex I:

(a) Should the Council endorse the recommendation of the Commission to hold eight additional meetings at its sixtieth session and the holding of the Social Forum in 2004 and 2005, and defer the meetings as recommended in paragraph 38 (b) above, the additional requirements would amount to $879,900 under section 2, General Assembly affairs and conference services, and $135,200 under section 24, Human rights;

(b) Should the Council object to the recommendation of the Commission to hold eight additional meetings at its sixtieth session, endorse the holding of the Social Forum in 2004 and 2005, and defer the meetings as recommended in paragraph 38 (b) above, the additional requirements would amount to $686,100 under section 2, General Assembly affairs and conference services, and $135,200 under section 24, Human rights.

41. These provisions would represent a charge against the contingency fund and, as such, would require a related additional appropriation.

Annex I

Additional appropriations required for 2004-2005 under the different options

	2004-2005 additional requirements		
Option	Section 2 General Assembly affairs and conference services	Section 24 Human rights	**Total**
Option (a)			
Decision 2003/114. Organization of the work of the sixtieth session of the Commission on Human Rights	193 800		
Decision 2003/107. Social Forum	191 000	135 200	
Deferred 2003 meetings to 2004:			
Resolution 2003/18. Question of the realization in all countries of the economic, social and cultural rights	337 800		
Resolution 2003/34. Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms	157 300		
	879 900	135 200	**1 015 100**
Option (b)			
Resolution 2003/107. Social Forum	191 000	135 200	
Deferred 2003 meetings:			
Resolution 2003/18. Question of the realization in all countries of the economic, social and cultural rights	337 800		
Resolution 2003/34. Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms	157 300		
	686 100	135 200	**821 300**

Annex II

Additional appropriations required resulting from decisions of the Commission on Human Rights at its fifty-ninth session

Resolution/decision		Section 22, Human rights	Section 2, General Assembly affairs and conference services	Total sections
			2002-2003	
2003/18	Question of the realization in all countries of the economic, social and cultural rights		337 800	337 800
2003/34	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms		157 300	157 300
2003/107	Social Forum		95 500[a]	95 500[a]
	Total		**590 600**	**590 600**

Resolution/decision		Section 24, Human rights	Section 2, General Assembly affairs and conference services	Total sections
			2004-2005	
2003/107	Social Forum	135 200[a]	191 000[a]	326 200[a]
2003/114	Organization of the work of the sixtieth session of the Commission on Human Rights		193 800	193 800
	Total	**135 200**	**384 800**	**520 000**

[a] Should the Social Forum not be held immediately prior to the sessions of the Sub-Commission on the Promotion and Protection of Human Rights.